

WORKSHOP MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

September 13, 2016

13400 Griffin Road

Present:

Vice Mayor Doug McKay
Council Member Steve Breitreuz
Council Member Freddy Fisikelli
Council Member Gary Jablonski

Andrew D. Berns, Town Administrator
Russell Muñiz, Assistant Town Administrator/Town Clerk
Keith Poliakoff, Town Attorney

Workshop Meeting of the Town Council of Southwest Ranches was held at 13400 Griffin Road in the Southwest Ranches Council Chambers. The meeting, having been properly noticed, was called to order by Mayor Nelson at 7:06 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

The following motion was made by Council Member Breitreuz, seconded by Council Member Fisikelli and passed by 4-0 roll call vote. The vote was as follows: Council Members Breitreuz, Fisikelli, Jablonski, and Vice Mayor McKay voting Yes.

MOTION: TO EXCUSE MAYOR NELSON.

3. Presentation by Katie Edwards, Esq., Arnstein & Lehr – Recovery Residences

Town Attorney Poliakoff explained the nature of the workshop was to discuss legislation that is meant to address the proliferation of "Group Homes" and introduced Katie Edwards from his firm who would be providing information to the Town Council and residents.

Katie Edwards stated that she wished to frame the discussion around what the Town could do in response to resident concerns regarding this issue. She stated that there are many constraints placed on local government by the federal government through the Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA).

She provided some history on what the state did in July of 2015. State law effectively does not allow "recovery residences" to be treated like businesses. But the law enacted, created a voluntary certification program for substance abuse recovery providers which restricted them from referring patients unless they were certified. She elaborated on the certification process and the background screening required for staff of these recovery residences. She emphasized that this law took four years to pass, to illustrate how difficult it is to pass any legislation aimed at curtailing recovery residences due to the FHA and ADA.

Attorney Edwards spoke about the proliferation of recovery residences in Palm Beach County. She spoke about the state task force that has looked at the business practices of bad actors recognizing that people receiving treatment are acknowledged as having a disability by law. She believed that the Town had options available to it through its Town Code and Comprehensive Plan to help address resident concerns when these recovery residences decide to open within the

Town. She cited excerpts of the FHA and the ADA which required that the Town make a reasonable accommodation to policies and practices to allow recovery residences.

Town Attorney Poliakoff provided the state definition of a "group home" which was essentially six individuals who are not related, live together because of a disability, and have an administrator who takes care of people. State law provides for them reasonable accommodation. They have an equal opportunity to enjoy housing and can live in any residential zoning district, in any municipality in Florida. The state tried to restrict their proliferation by providing a 1,000 foot buffer from other group homes but in Southwest Ranches this restriction was meaningless because of the larger lot sizes. He spoke of recent court cases involving municipalities and group homes in which the courts have decided mostly in favor of the group homes rights under the FHA and ADA. He cited the Town's Comprehensive Plan which restricted the number of people residing in a home to eight and proposed that the number be reduced to six in compliance with state law. He circulated a draft ordinance that would accomplish the reduction for those seeking reasonable accommodation. The reduction ordinance would also allow the Town to perform an inspection.

Council Member Breitzkreuz thanked Town Attorney Poliakoff for arranging this workshop and Attorney Edwards for attending and presenting. He asked what protections the Town has when the person leaves the recovery residence. Attorney Edwards advised that if the person engages in illicit activity they lose their protection under the ADA and FHA. Also, if the recovery residence loses their certification they lose their ability to take new patients. Town Attorney Poliakoff added that once the patient finishes treatment, the recovery residence is no longer getting paid and therefore would not allow the patient to remain on premises. Council Member Breitzkreuz felt that the living arrangements for the patient who has finished treatment should be addressed in the legislation as it was a critical next step for the patient and to insure that the person wasn't just left at the front door once treatment was completed.

Vice Mayor McKay asked who pays for the treatment, insurance or "out of pocket." Attorney Edwards felt it was a combination of both. Town Attorney Poliakoff indicated that there were also agencies that provided funding such as the Department of Elderly Affairs, the Department of Juvenile Justice, and others.

Council Member Jablonski thanked Town Attorney Poliakoff and Attorney Edwards for attending and presenting.

Members of the public were invited to provide comment.

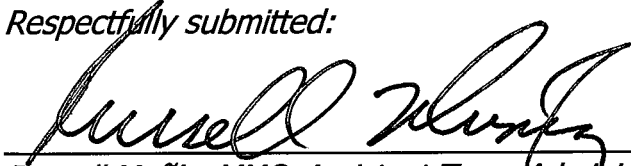
Don Maines, a special adviser for the Broward Sheriff's Office, indicated that the number one place in the country for sober homes is Delray Beach, Florida. He provided statistics on the drug epidemic in Broward County.

Council Member Jablonski advised the residents the Town Council hears the residents "loud and clear" regarding their concerns. He advised that whatever the Town Council can do, that is permissible, they will do.

Town Attorney Poliakoff advised the residents in attendance that they need to contact their representatives in the Florida Legislature and the United States Congress about their position on this matter.

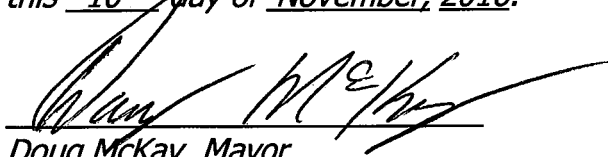
4. Adjournment – Meeting was adjourned at 9:12 p.m.

Respectfully submitted:



Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

*Adopted by the Town Council on
this 10th day of November, 2016.*



Doug McKay, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.